

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ST. PAUL MERCURY INSURANCE
COMPANY

Plaintiff,

v.

PHILADELPHIA HOUSING
AUTHORITY

Defendant.

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Civil Action No. 02-CV-3511

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CERTIFICATION OF GOOD FAITH EFFORT TO RESOLVE DISCOVERY DISPUTE

I, James A. Dunbar, counsel for the plaintiff, St. Paul Mercury Insurance Company, hereby certify that I made the following efforts to resolve St. Paul's discovery dispute with PHA as to PHA's failure to produce e-mails relevant to the Richard Allen Homes construction project that is the subject matter of this case.

1. PHA first disclosed the existence of the e-mails in its pre-trial memorandum dated June 23, 2003. I was on vacation during the week of June 23. On my return from vacation, on July 1, 2003, I wrote a letter to PHA's counsel asking to review the e-mails identified in the pre-trial memorandum. A copy of my letter is attached to St. Paul's Motion to Compel as Exhibit B. PHA's counsel did not respond to that request.

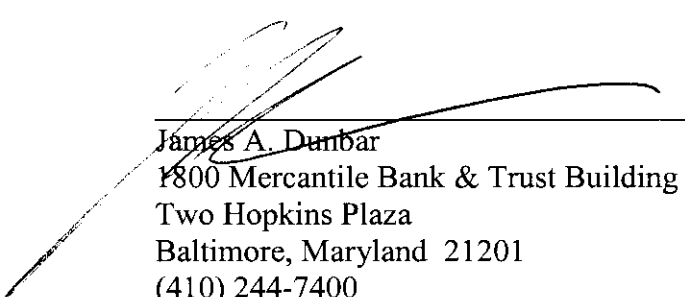
2. Subsequent to July 1, 2003, I had a telephone conversation with one of PHA's counsel relating to the opportunity to review the e-mails. PHA's counsel was non-committal on the topic.

3. On July 30, 2003, I spoke to PHA's counsel about production of the e-mails, I informed him that it was necessary to receive a firm answer by July 31, 2003 on whether they

would be produced for inspection so that if the answer was negative, there would be time to file a motion to compel that would be ripe by the scheduled pre-trial conference in this case.

4. As of the time of the drafting of the certificate, the afternoon of July 31, 2003, I have not yet received a response from PHA's counsel as to whether inspection of the e-mails will be permitted.

Respectfully submitted,



James A. Dunbar
1800 Mercantile Bank & Trust Building
Two Hopkins Plaza
Baltimore, Maryland 21201
(410) 244-7400
Attorneys for Plaintiff
St. Paul Mercury Insurance Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2003, Plaintiff St.

Paul Mercury Insurance Company's Certification of Good Faith Effort to Resolve

Discovery Dispute was telecopied and mailed via first-class mail, postage prepaid, to:

Denis James Lawler, Esquire
Daniel E. Rhynhart, Esquire
Blank Rome Comisky & McCauley, LLP
One Logan Square
Philadelphia, PA 19103-6998
Counsel for Defendant and Counter-Plaintiff
Philadelphia Housing Authority



James A. Dunbar